

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN W. FERRELL,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant.

Case No. 10-cv-00777-RSM-JPD

REPORT AND RECOMMENDATION

Plaintiff John W. Ferrell, proceeding *pro se* and *in forma pauperis*, has filed a complaint against the Commissioner of the Social Security Administration. Dkt. 3. The Commissioner has filed an answer to the complaint, along with the administrative record. Dkt. 10; Dkt. 11. By Scheduling Order dated July 14, 2010, the Court directed plaintiff to file his opening brief on or before August 9, 2010. Dkt. 12. When plaintiff failed to file his opening brief by that date, the Court directed plaintiff to file his opening brief, or alternatively, to show cause why this action should not be dismissed for failure to prosecute, by September 3, 2010. Dkt. 14. To date, however, plaintiff has neither filed his opening brief, nor responded to the Court's show cause order.

1 Accordingly, the Court recommends that this action be DISMISSED without prejudice
2 for failure to prosecute. A proposed order accompanies this Report and Recommendation.
3 The Clerk of the Court is directed to send copies of this Order to the parties and to the
4 Honorable James P. Donohue.

5 DATED this 9th day of September, 2010.

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7 JAMES P. DONOHUE
8 United States Magistrate Judge
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